

DRAFT

**STATE ADVISORY COUNCIL ON THE
EDUCATION OF CHILDREN WITH DISABILITIES**

**September 24, 2007
Carmel Clay Educational Service Center
Indianapolis, IN**

ADVISORY COUNCIL MEMBERS PRESENT:

B. Marra, G. Bates, R. Burden, D. Downer, C. Endres, K. Farrell, D. Geeslin, J. Hammond, C. H. Hansen, M. Johnson, R. Kirby, B. Kirk, K. Mears, J. Nally, M. Ramos, C. Shearer, D. Schmidt, J. Swiss, S. Tilden, Ruth Alewine (representing S. Yoder in the a.m.).

ADVISORY COUNCIL MEMBERS NOT PRESENT:

B. Henson, B. Lewis, A. Shields, J. Swaim, T. Wyatt

INDIANA DEPARTMENT OF EDUCATION (DEL) STAFF PRESENT:

K. Bassett, N. Brahm, N. Confer, S. Knoth, B. Reynolds T. Rinehart

GUESTS

Nancy Zemaitis, Assistant Director, IDOE, DEL

VISITORS:

Dee Kempson (IDOE), Loui Lord Nelson (R.A.I.S.E.), Liz Freeman Floyd (Autism Society), Amanda Snobarger, Rylin Rodgers (Parent). Margaret Jones

INTERPRETERS:

Amy Evans
Charlotte Winston

MEETING

D. Schmidt opened the meeting at 8:50 a.m.

K. Farrell moved to accept the minutes from the September 7, 2007 as written.
Seconded by D. Geeslin. Motion carried.

The minutes from the September 7, 2007 meeting were approved as a correct document.

Business

R. Kirby provided an update regarding the public forums. She shared that at the present time, surveys from the public forum meetings have not yet been received in entirety. Notes and responses will be compiled from the surveys that are received. B. Kirk stated that she was disappointed with the attendance of the meetings in Terre Haute but the focus of concern at those meetings was regarding the proposed language for speech and language disorder. R. Burden stated that at the sites he attended there was anywhere from 15 to 20 in attendance. M. Ramos said that she attended the meeting in Gary and the concern was mainly with regard to Educational Evaluation and the proposed language change from 60 to 40 day timeline. B. Kirk added that there was one school psychologist at the Terre Haute site that was in favor of the 40 day timeline. R. Burden indicated that overall it was a good effort to let the public present their concerns.

Article 7 Revisions Comments from Public

No comments were received.

Article 7 Revisions

Discussion

RULE 2843 RELATED SERVICES; TRANSITIONS; TRANSFER OF RIGHTS

N. Zemaitis presented to the Council what her subcommittee has completed thus far. N. Zemaitis distributed a handout to the SAC members discussing the Transition IEP. Federal law states that measurable goals in Transition IEPs must be based on transition assessments. N. Zemaitis said that there will be a required Summary of Performance (SoP) along with goals written into the IEP. M. Johnson asked if the Transition IEP is a component of the IEP. N. Zemaitis indicated that they are recommending that it become the IEP not a separate document. They are building the decision-making process as a component of the electronic IEP in the ISTAR program. K. Farrell asked if the term 'Transition IEP' will be defined and if this is a separate section in Article 7. N. Zemaitis indicated that it is a rule of itself and will be defined, along with specific components that must be addressed. The committee is also looking at providing some sample age-appropriate, measurable goals that schools might review for assistance. N. Zemaitis stated that she feels that FAPE should always be present. She also indicated that the committee is working to develop a work-skill inventory with an accompanying rubric that can be built into ISTAR. It is the

committee's goal that the inventory will serve as a personal resume of sorts that can be an accessory to that student's portfolio.

J. Hammond asked if the adult service representative would be involved in the Transition IEP meeting. N. Zemaitis explained that the dependant upon a family's willingness, those individuals could be invited to attend the meetings. B. Kirk commended the language to keep the age at 14 to start the transitioning process. She added that this will prepare the parents for when the student's schooling ends. B. Kirk asked how the Transition IEP would take into account a student's soft skills. N. Zemaitis stated that there will be an area in the Transition IEP for those extra services. D. Schmidt expressed concerns with regard to the adult services providers following through and being involved and providing services to the student. N. Zemaitis referenced SB 290 and that the committee has pulled in several adult service agencies and that may help for better linkages to meet the goals of the students. Discussion ensued with regard to the student receiving services after the Transition IEP is written. J. Hammond said that many of the issues brought up by D. Schmidt are community capacity issues and not issues that can be addressed by any one agency, specifically that there is an infrastructure between private and public agencies that must be fully developed in each individual community. K. Farrell shared that because families work for years, building relationship, with the special educator, it is frequently that special educator whom the families turn to, and sometimes blame, when the adult service providers 'fail' the family.

K. Mears asked how this applies to non-public schools. N. Zemaitis said that non-public schools have been not considered, but she will follow-up.

R. Kirby stated that she believes that because there will be a vehicle in which to enforce adult service agencies' actions, there will be better awareness on both parents' and schools' parts and greater encouragement for agency involvement in transition meetings. B. Kirk concurred. N. Zemaitis stated that thought-provoking questions need to be included in the CCC meeting to start conversation to address this particular piece of the law.

511 IAC 7-2843-1: Related services

C. Endres questioned language on page 4 at 511 IAC 7-~~2843~~-1 (d)(15). She suggested a change of the language to 'school social work services'.

511 IAC 7-~~2843~~-1(e) N. Brahm stated that the biggest change was with regard to cochlear implants. She stated that this language refers to the mapping of the implants.

N. Brahm referred to the 511 IAC 7-~~2843~~-1 (j) and stated that related services would be for deaf or hard of hearing.

K. Farrell wanted clarification at (i) and asked whether the language related back to child find or RTI. N. Brahm replied that it could refer to both.

J. Swiss asked for clarification if a student was not determined eligible for special education services as specified in (b), would that student be unable to receive related services? N. Brahm referred to 511 IAC 7-2843-1(b) that comes from the federal law. B. Marra stated that the school could use up to 15% of their Part B funds for direct services or teacher training for related service resources.

J. Hammond asked why a CCC cannot determine earlier rather than when related services are requested. B. Marra stated that the first step is to identify the child with the disability. R. Burden asked if there are students who are disabled that do not need related services. B. Marra gave an example of a student that may have a visual or hearing impairment that academically does not need special education services but does need related services. M. Johnson stated that another example would be a situation where a child needs services but the parents wish to avoid a label for the child

B. Kirk referred to 511 IAC 7-2843-1 (f)(2). She wanted clarification for devices for the child's implants. N. Brahm said that it would be in the IEP.

K. Farrell raised questions and concerns to the proposed language in 511 IAC 7-2843-1(t) and asked whether the language was modeled after the School Nurses Act or IDEA. N. Brahm shared that she had consulted with Phyllis Lewis with the Department of Education. K. Farrell said while she respected Phyllis Lewis' background, she feels that Article 7 should be shaped after the Federal language for special education.

R. Burden suggested that there be an area for more explanation on how these services would be used (i.e. an explanation in Live Learn Work and Play). N. Brahm stated that in earlier conversations, it had been suggested that an electronic version of Article 7 be developed with hyperlinks that would provide clarity to the language.

J. Swiss moved to accept the proposed language at 511 IAC 7-2843-1 Related Services as amended. Seconded by G. Bates.

N. Brahm offered another option to the proposed language. (1) School nurse services are health services designed to enable a student with disability to receive a free appropriate public education as described in the student's individualized education program. *School nurse services include the services described in 511 IAC 4-1.5-6, such as developing health care plans that are integrated into the student's Individualized education program.*

D. Schmidt moved for vote on the proposed language at 511 IAC 7-2843-1 Related Services with amendments.

14 Approved; 1 Opposed; 0 Abstentions.

Motion carried.

511 IAC 7-2843-2: Transition from early intervention services (Part C) to early childhood special education (Part B)

J. Swiss motioned to accept language at 511 IAC 7-2843-2 as corrected.
Seconded by K. Farrell.

15 Approved; 0 Opposed; 1 Abstention.

Motion carried.

511 IAC 2-2843-3: Review of transition age students

N. Brahm discussed the changes to the language 511 IAC 7-2843-3 with corrections.

K. Farrell moved to accept the language. Seconded by C. Endres.

16 Approved; 0 Opposed; 0 Abstentions.

Motion carried.

511 IAC 2-2843-34: Transition to adult life individualized education program

N. Brahm explained that this was the section that addressed the topic that N. Zemaitis had earlier discussed. N. Brahm pointed out that it did not apply to convicted students. N. Brahm reiterated the importance of 511 IAC 2-2843-34 (h).

K. Mears asked if this section would be applicable to transition services and whether language regarding private schools would be inserted. N. Brahm indicated that such an inclusion would have to be discussed at the public meeting when all services are discussed. If the non-public school wanted transition services to be included in the services provided by the LEA discussion to that effect would have to occur at the annual meeting.

R. Burden moved to accept language at 511 IAC 2-2843-34 with corrections.
Seconded by K. Mears.

16 Approved; 0 Opposed; 0 Abstentions.

Motion carried.

511 IAC 2-2843-45: Transfer of rights to student

K. Farrell motioned to accept language as written at 511 IAC 2-2843-45.
Seconded by J. Nally.

16 Approved; 0 Opposed; 0 Abstentions.

Motion carried.

511 IAC 2-2843-56: Summary of Performance

K. Farrell shared her concern that by requiring the school to provide a Summary of Performance statement when a student withdraws from high school appears redundant because the school requires this to be completed for all students. B. Marra stated that he has had some superintendents say that this is redundant. K. Farrell recommended that 511 IAC 2-2843-56(4) be removed. Discussion ensued regarding the pros and cons of removing the language at (4).

D. Downer asked what the general education rule states. B. Marra reviewed what is currently on a withdrawal certificate.

C. Endres suggested removing (1)-(3) if the recommendation was to remove (4) as the sections do not necessarily refer to special education. B. Marra stated that (1) and (3) are in the law. Section (2) applies to (1) and (3) as the student has completed their program and (4) is that the student is choosing to leave.

K. Farrell motioned that the language at 511 IAC 7-43-56 be accepted with the omission of Section (4). Seconded by J. Nally.

D. Kempson explained the Dropout Recovery Project at the Indiana Department of Education. She stated that in many situations a student may be listed as a dropout and will in actuality be home-schooled, applying for their GED, or attending a different type of school.

K. Farrell called for question.

7 Approved; 9 Opposed; 0 Abstentions.

Motion defeated.

C. Endres motioned to accept language at 511 IAC 2-2843-56 as written.
Seconded by C. H. Hansen.

9 Approved; 7 Opposed; 0 Abstentions.

Motion carried.

RULE 29 44 DISCIPLINE PROCEDURES

511 IAC 7-44-5: Manifestation determinations.

N. Brahm explained the correction to the section reflected the change suggested by the Council in removing subsection (b) in order to provide a match to what was corrected in Rule 27.

J. Nally moved to accept the language as corrected. Seconded by M. Johnson.

15 Approved; 0 Opposed; 0 Abstentions.

Motion carried.

511 IAC 7-~~2944-89~~: Protections for students not yet eligible for special education

N. Brahm explained this section was being revisited because a previous vote had led to a tie vote. At the time, the discussion was focused on whether the request for services had to be in writing or whether an oral statement would be sufficient.

R. Burden stated that he still holds the same argument. D. Downer concurred. K. Farrell felt that this should be in writing so that there is a tracking system in place if necessary. She would prefer that the request be in writing so as to confirm the discussion taking place. Discussion ensued regarding 'in writing' versus 'orally'.

J. Nally moved to accept the proposed language at 511 IAC 7-~~2944-89~~ as written. Seconded by M. Johnson.

10 Approved; 5 Opposed; 0 Abstentions.

Motion carried.

MODEL FORMS

K. Bassett presented to the Council the model forms that she and her due process team have developed for complaints, mediations, and due process hearings.

The complaint form was reviewed first. K. Bassett asked for suggestions for the language for Statement of Violation. R. Kirby suggested that there be a star to indicate the required information. S. Tilden suggested that the statement of violation be more specific. He gave an example of the form that the Office of Civil Rights uses and stated that he would provide a copy of the form to K. Bassett. C. Endres suggested that the form include a specification that the parent would describe the arising consequence of the violation.

K. Bassett stated that the Request for Due Process Hearings form has not changed. N. Brahm indicated that the due process form has never been reviewed the Council.

Article 7 Revisions Comments from Public

A parent expressed concern with regards to 511 IAC 7-42-6, specifically language relating to 'change of placement'. She believes that the school will not follow through with the IEP and will disregard the importance of parental input. She believes that by eliminating the accountability requirement, services will be taken away from students without any practical means for parents to hold schools accountable. She disagrees with the revised language regarding written parental consent.

OTHER BUSINESS

B. Marra stated that the SAC has been through all the rules with the exception of the Alternative Residential section.

B. Marra also stated that with regard to the speaker's comments and concerns, the 'change of placement' language was a reoccurring concern in the public forums. He wants the SAC to be prepared to review all the comments and results from the survey with the goal of finalizing the voting on Article 7. The goal is to complete the final draft of Article 7 by November 2, 2007.

B. Marra informed the SAC of the upcoming meetings and stressed the importance for attendance and timeliness to these meetings.

J. Nally motioned to adjourn. Seconded by J. Swiss.

Meeting adjourned at 3:05 p.m.